

THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 9464 of 2007

Date:06-07-2007

Between:

Jagatha Trimurthulu and two others

.. PETITIONERS

AND

The A.P. State Housing Corporation rep. By its District Manager,
Kakinada and others **.. RESPONDENTS**

.. RESPONDENTS

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in allotting/assigning the road margins of the road leading from Rajupalem connecting National Highway No.214 at Mummidivaram village for house sites to the weaker sections, as illegal and arbitrary.

It is the case of the petitioners that they are residents of Rajupalem village of Mummidivaram mandal, East Godavari District and they are eking out their livelihood on agricultural operations.

The only grievance of the petitioners is that the road, drain and bund in between the road and drain are situated in R.S.Nos.653, 654, 698, 695, 694/1 of Mummidivaram village and has been using the said bund for pathway of ingress and egress and the same is assigned for the house sites in favour of the respondents who got them impleaded. It is stated that the said beneficiaries taking the advantage of the proposal of granting of assignment of loans are trying to make constructions by closing the drainage and they are also raising the huts for rearing pigs. It is stated that they are not maintaining the drainage intact to prevent traffic problems, the health hazards and to cause inconvenience to discharge the wastewater into the drain. But, though a representation has been filed through their advocate on 02.04.2007, the official respondents have not taken any action.

The said beneficiaries in their counter stated that they are landless poor belongs to scheduled tribe community (Yerukala) and on their representation the house sites have been allotted to them in the year 1984 itself. It is stated that pursuant to the programme launched by the Government of Andhra Pradesh for construction of houses to the weaker sections, they were selected as beneficiaries for construction

of houses under the scheme of Indiramma and accordingly the authorities have sanctioned loans for construction of houses and 80% of the constructions have already been completed. But, pursuant to the interim directions of this Court, the constructions have been stopped.

I have perused the proceedings granting assignment order to the house patta land awardees and therefore, I am of the opinion that it is not new assignment and as the house sites pattas were already assigned in the year 1984. Therefore, the question of directing the official respondents not to allot the house sites at this stage does not arise. Therefore, I am of the opinion that no relief can be granted preventing the authorities from allotting the house sites.

But, insofar as keeping the bund and the drain situated by the side of the road in tact is concerned, I am of the opinion that it is for the official respondents to take appropriate action to keep the bode and road margin intact.

Insofar as the rearing of pigs contrary to the provisions of Gram Panchayat Act and the Bye-laws are concerned, it is always open for the official respondents to take appropriate action against the illegal rearers of the pigs.

Accordingly, the writ petition is dismissed with the aforesaid observations. No costs.

The interim order, dated 30.04.2007 is hereby vacated.

V.ESWARAIAH, J.

Date:06.07.2007
CCM

